

Expre.) ail Label #188/119410103
 Attorney's Docket No.: 1560-00206

COMBINED DECLARATION AND POWER OF ATTORNEY
 (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
 CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

The declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national state of PCT

NOTE: If one of the following 3 items apply, then complete and also attach **ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.**

- ☒ divisional
☐ continuation
☒ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

VACCINES EXPRESSED IN PLANTS

SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

(a) ☒ is attached hereto

(b) ☐ was filed on _____ as ☐ Serial No. 0 _____ / _____ or ☐ Express Mail No., as Serial No. not yet known _____ and was amended on _____ (if applicable).

NOTE:

Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
- (e) ☒ such applications have been filed as follows.

NOTE:

Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

PCT/US94/02332

4 March 1994

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national state, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Ned L. Conley	19,204	Gregory L. Maag	32,363
Kevin L. Daffer	35,146	Eric B. Meyertons	34,876
Michael F. Heim	32,702	Leslie V. Payne	P38,267
Shawn Hunter	36,168	David A. Rose	26,223
Bruce Noël Kivlin	33,929	Jeffrey W. Tayon	30,717
C. Steven McDaniel	33,962	Marcella W. Watkins	36,962

(check the following item, if applicable)

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

C. Steven McDaniel
Conley, Rose & Tayon, P.C.
P.O. Box 3267
Houston, Texas 77253-3267

C. Steven McDaniel
(713) 238-8010

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor:

CHARLES

JOEL

ARNTZEN

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

Inventor's signature: Charles Joel Arntzen

Date: _____

Country of Citizenship: U.S.A

Residence: The Woodlands, Texas

Post Office Address: 58 Bridgeberry, The Woodlands, Texas 77381

* * *

Full name of second joint inventor, if any:

DOMINIC

MAN-KIT

LAM

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

Inventor's signature: _____

Date: _____

Country of Citizenship: U.S.A.

Residence: The Woodlands, Texas

Post Office Address: 9 Wedgewood Glen, The Woodlands, Texas 77381

* * *

Full name of third joint inventor, if any:

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

Inventor's signature: _____

Date: _____

Country of Citizenship: _____

Residence: _____

Post Office Address: _____

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

- ☐ Signature for fourth and subsequent joint inventors. Number of pages added:

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added

- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added

- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ Number of pages added 1

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:)

- ☐ This declaration ends with this page.

Attorney's Docket No.: 1560-00206

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 (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
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☒ continuation-in-part (CIP)

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TITLE OF INVENTION

VACCINES EXPRESSED IN PLANTS

SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto

- (b) ☒ was filed on June 7, 1995 as ☒ Serial No. 08/479,742 and was amended by Preliminary Amendment filed concurrently therewith.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ if any).

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I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
- (e) ☒ such applications have been filed as follows.

NOTE:

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COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

PCT/US94/02332

4 March 1994

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national state, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number)*

Ned L. Conley	19,204	Gregory L. Maag	32,363
Kevin L. Daffer	35,146	Eric B. Meyertons	34,876
Michael F. Heim	32,702	Leslie V. Payne	P38,267
Shawn Hunter	36,168	David A. Rose	26,223
Bruce Noël Kivlin	33,929	Jeffrey W. Tayon	30,717
C. Steven McDaniel	33,962	Marcella W. Watkins	36,962

(check the following item, if applicable)

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

C. Steven McDaniel
Conley, Rose & Tayon, P.C.
P.O. Box 3267.
Houston, Texas 77253-3267

C. Steven McDaniel
(713) 238-8010

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like s made are punishable by fine r imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

AUG-09-1995 12:32 AM CONLEY ROSE & TRYON

TO V. J. JAMES TROTT JR. 11.10

SIGNATURES

NOTE: Carefully indicate the family for last name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor:

CHARLES JOEL ARRTZEN
(FIRST NAME) MIDDLE INITIAL OR NAME FAMILY FOR LAST NAME

Inventor's signature: _____

Date: _____ Country of Citizenship: U.S.A.Residence: The Woodlands, TexasPost Office Address: 58 Bridgeway, The Woodlands, Texas 77361

...

Full name of second joint inventor, if any:

DOMINIC MAN-YOT LAM
(FIRST NAME) MIDDLE INITIAL OR NAME FAMILY FOR LAST NAME

Inventor's signature: DomineDate: 8-10-95 Country of Citizenship: U.S.A.Residence: The Woodlands, TexasPost Office Address: 8 Wedgewood Glen, The Woodlands, Texas 77381

...

Full name of third joint inventor, if any:

(FIRST NAME) MIDDLE INITIAL OR NAME FAMILY FOR LAST NAME

Inventor's signature: _____

Date: _____ Country of Citizenship: _____

Residence: _____

Post Office Address: _____

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION**

- ☐ Signature for fourth and subsequent joint inventors. *Number of pages added:*

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added*

- ☒ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. *Number of pages added* 1

- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ *Number of pages added* 1

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:)

- ☐ This declaration ends with this page.

PATENT
P00245US4
PRODIGENE, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARNTZEN, Charles J. et al GROUP ART NO. 1806
SERIAL NO: 08/479,742 EXAMINER:
FILED: June 7, 1995
TITLE: VACCINES EXPRESSED IN PLANTS

REVOCATION OF PRIOR POWERS, APPOINTMENT OF
NEW POWER OF ATTORNEY AND CHANGE OF ADDRESS

To the Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

As ASSIGNEE of the entire right, title and interest of
the above identified, ProdiGene, Inc. hereby

REVOCATION OF PRIOR POWERS OF ATTORNEY

Revoke all powers of attorney of Ned L. Conley,
Registration No. 19,204; Kevin L. Daffer, Registration No.
35,146; Michael F. Heim, Registration No. 32,702; Shawn
Hunter, Registration No. 36,168; Bruce Noel Kivlin,
Registration No. 33,929; C. Steven McDaniel, Registration No.
33,962; Gregory L. Maag, Registration No. 32,363; Eric B.
Meyertons, Registration No. 34,876; Leslie V. Payne,
Registration No. P38,267; David A. Rose, Registration No.
26,223; Jeffrey W. Tayon, Registration No. 30,717; and
Marcella W. Watkins, Registration No. 36,962; Texas Commerce

Tower, 600 Travis, Suite 1850, Houston, Texas 77002-2912,
previously given and

NEW POWER OF ATTORNEY

Hereby appoint the following attorneys to prosecute and
transact all business in the Patent and Trademark Office
connected therewith:

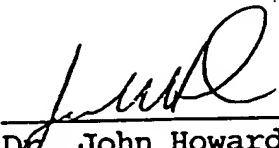
Donald H. Zarley, Registration No. 18,543; Bruce W.
McKee, Registration No. 19,651; Dennis L. Thomte,
Registration No. 22,497; Michael G. Voorhees,
Registration No. 25,715; Edmund J. Sease, Registration
No. 24,741; Mark D. Hansing; Registration No. 30,643;
Kirk M. Hartung, Registration No. 31,021; Mark D.
Frederiksen, Registration No. 31,357; Daniel J.
Cosgrove, Registration No. 36,770; Michael R. Crabb,
Registration No. 37,298; Heidi S. Nebel, Registration
No. 37,719; Bruce A. Johnson Registration No. 37,361;
Wendy K. Hartung, Registration No. 39,705; and Jeffrey
D. Harty, Registration No. P-40,639; 801 Grand Avenue,
Suite 3200, Des Moines, Iowa 50309-2721.

CHANGE OF ADDRESS

SEND CORRESPONDENCE TO:
ZARLEY, MCKEE, THOMTE,
VOORHEES & SEASE
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
(515) 288-3667

DIRECT TELEPHONE CALLS TO:
Heidi S. Nebel
at (515) 288-3667

The undersigned further declares that he is an officer of Assignee corporation and is authorized to sign the Power of Attorney on behalf of said corporation.



Dr. John Howard
President
ProdiGene, Inc.
1500 Research Pkwy., Suite 220
College Station, Texas 77845

Dated: 10-10-97

Att mey's Docket No. 1560-00206

PATENT

Applicant or Patentee: Charles Joel Arntzen and Dominic Man-Kit Lam
 Serial or Patent No.: Not Yet Assigned
 Filed or Issued: June 7, 1995
 For: Vaccines Expressed in Plants

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 1.9(f) and 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Edible Vaccines, Inc.

ADDRESS OF CONCERN: 100 Hawthorn, Conroe, Texas 77301

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled Vaccines Expressed in Plants by inventor(s) Charles Joel Arntzen and Dominic Man-Kit Lam described in

- ☐ the specification filed herewith.
☒ application serial no. 08/479,742, filed June 7, 1995.
☐ patent no. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

***NOTE:**

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME: _____
 ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: _____
 ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: _____
 ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Dominic Man-Kit Lam
 TITLE OF PERSON OTHER THAN OWNER: President
 ADDRESS OF PERSON SIGNING: 100 Hawthorn, Conroe, Texas 77301

SIGNATURE: *Domestic* Date: July 14 '95

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ARNTZEN, et al.
SERIAL NO : CONT. of 09/676,734
FILED : July 31, 2001
TITLE : VACCINES EXPRESSED IN PLANTS

Grp./A.U. : 1641
Docket No. : P0245USF

**STATEMENT UNDER 37 C.F.R. § 3.73(b)
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

Assistant Commissioner for Patents
Washington, D.C. 20231


Dear Sir:

PRODIGENE, INC., the assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

An assignment from inventor Charles J. Arntzen to Terramed, Inc. was recorded in the PTO in the parent case (SN 07/750,049 filed August 26, 1991) at Reel/Frame 8138/0405 on September 26, 1996; from inventor Dominic Man-Kit Lam to Terramed, Inc. was recorded in the PTO in the parent case (08/479,742 filed June 7, 1995) at Reel/Frame 8763/0499 on October 7, 1997; from Terramed, Inc. to Prodigene, Inc. was recorded in the PTO in the parent case (SN

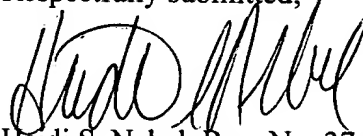
CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, prior to 5:00 p.m. on the 31 day of July, 2001.


Patricia E. Wilson
Express Mail Label # EL745291157US

08/479,742 filed June 7, 1995) at Reel/Frame 8763/0450 on October 7, 1997.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719

ZARLEY, McKEE, THOMTE, VOORHEES
& SEASE

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309

Phone No. (515) 288-3667

Fax No. (515) 288-1338

CUSTOMER NO: 22885

Attorneys of Record

- pw -